
Introduced by Senator Denham

February 1, 2005

An act to amend Section 48204 of the Education Code, relating to school attendance.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as introduced, Denham. School attendance requirements.

Existing law, until July 1, 2007, authorizes a school district to allow a pupil whose parent or guardian is employed in the school district to attend a school in the school district through grade 12 if the parent or guardian of the pupil so chooses, as specified.

This bill would instead, until July 1, 2007, authorize a school district to allow a pupil whose parent or guardian is employed in the school district to enroll in a school in the school district in kindergarten or any of grades 1 to 8, inclusive, and to continue to attend a school in the school district through grade 12 if the parent or guardian of the pupil so chooses, and if one or both of the parents or guardians of the pupil continues to be employed by an employer situated within the attendance boundaries of the school district.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 48204 of the Education Code, as added
- 2 by Section 2 of Chapter 529 of the Statutes of 2003, is amended
- 3 to read:
- 4 48204. (a) Notwithstanding Section 48200, a pupil is deemed
- 5 to have complied with the residency requirements for school

1 attendance in a school district, if he or she is any of the
2 following:

3 (1) ~~(A)–~~ A pupil placed within the boundaries of that school
4 district in a regularly established licensed children’s institution,
5 or a licensed foster home, or a family home pursuant to a
6 commitment or placement under Chapter 2 (commencing with
7 Section 200) of Part 1 of Division 2 of the Welfare and
8 Institutions Code.

9 ~~An~~

10 ~~(B) An~~ agency placing a pupil in a home or institution
11 described in this ~~subdivision~~ *paragraph* shall provide evidence to
12 the school that the placement or commitment is pursuant to law.

13 (2) A pupil for whom interdistrict attendance has been
14 approved pursuant to Chapter 5 (commencing with Section
15 46600) of Part 26.

16 (3) A pupil whose residence is located within the boundaries
17 of that school district and whose parent or legal guardian is
18 relieved of responsibility, control, and authority through
19 emancipation.

20 (4) A pupil who lives in the home of a caregiving adult that is
21 located within the boundaries of that school district. Execution of
22 an affidavit under penalty of perjury pursuant to Part 1.5
23 (commencing with Section 6550) of Division 11 of the Family
24 Code by the caregiving adult is a sufficient basis for a
25 determination that the pupil lives in the ~~caregiver’s~~ *home of the*
26 *caregiver*, unless the school district determines from actual facts
27 that the pupil is not living in the ~~caregiver’s~~ *home of the*
28 *caregiver*.

29 (5) A pupil residing in a state hospital located within the
30 boundaries of that school district.

31 (b) A school district may deem a pupil *who is either enrolled*
32 *or is seeking enrollment in kindergarten or any of grades 1 to 8,*
33 *inclusive*, as having complied with the residency requirements for
34 ~~school~~ attendance in the school district if one or both *of* the
35 parents or legal guardians of the pupil is employed within the
36 boundaries of that school district.

37 (1) This subdivision does not require the school district within
38 which the parents or guardians of a pupil are employed to admit
39 the pupil to its schools. ~~Districts may~~ *A school district shall not,*
40 however, refuse to admit ~~pupils~~ *a pupil* under this subdivision on

the basis, except as expressly provided in this subdivision, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

(2) The school district in which the residency of either the parents or guardians of the pupil is established, or the school district to which the pupil is to be transferred under this subdivision, may prohibit the transfer of the pupil under this subdivision if the governing board of the *school* district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the *school* district.

(3) The school district to which the pupil is to be transferred under this subdivision may prohibit the transfer of the pupil if the *school* district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

(4) The governing board of a school district that prohibits the transfer of a pupil pursuant to paragraph (1), (2), or (3) is encouraged to identify, and communicate in writing to the parents or guardians of the pupil, the specific reasons for that determination, and is encouraged to ensure that the determination, and the specific reasons therefor, are accurately recorded in the minutes of the board meeting in which the determination was made.

(5) The average daily attendance for pupils admitted pursuant to this subdivision is calculated pursuant to Section 46607.

(6) Unless approved by the sending *school* district, this subdivision does not authorize a net transfer of pupils out of ~~any~~ *given a school* district, calculated as the difference between the number of pupils exiting the *school* district and the number of pupils entering the *school* district, in ~~any~~ *a* fiscal year in excess of the following amounts:

(A) For ~~any a school~~ district with an average daily attendance for that fiscal year of less than 501, 5 percent of the average daily attendance of the *school* district.

(B) For ~~any a school~~ district with an average daily attendance for that fiscal year of 501 or more, but less than 2,501, 3 percent of the average daily attendance of the *school* district or 25 pupils, whichever amount is greater.

1 (C) For ~~any~~ *a school* district with an average daily attendance
2 of 2,501 or more, 1 percent of the average daily attendance of the
3 district or 75 pupils, whichever amount is greater.

4 (7) Once a pupil is deemed to have complied with the
5 residency requirements for school attendance pursuant to this
6 subdivision and is enrolled in a school in a school district whose
7 boundaries include the location where one or both parents of a
8 pupil is employed, or where the legal guardian of the pupil is
9 employed, the pupil does not have to reapply in the next school
10 year to attend a school within that school district and the *school*
11 district governing board shall allow the pupil to attend school
12 through ~~the 12th~~ grade 12 in that *school* district if the parent or
13 guardian so chooses and if one or both of the ~~pupil's~~ parents or
14 guardians *of the pupil* continues to be employed by an employer
15 situated within the attendance boundaries of the school district,
16 subject to paragraphs (1) to (6), inclusive.

17 (c) This section is inoperative on and after July 1, 2007, and as
18 of January 1, 2008, is repealed, unless a later enacted statute, that
19 becomes operative on or before January 1, 2008, deletes or
20 extends the dates on which it becomes inoperative and is
21 repealed.

22 [PU Added by Stats. 2003, Ch. 529, Sec. 2. Effective
23 September 25, 2003. Operative March 5, 2004, as prescribed by
24 Sec. 6 of Ch. 529 (AB 97 was enacted as Stats. 2004, Ch. 21).
25 Inoperative July 1, 2007. Repealed as of January 1, 2008, by its
26 own provisions. See the later operative Section 48204, as
27 amended by Sec. 3 of Ch. 529.]